

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,
Plaintiff,

v.

ZACHERY JONES, et al.
Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL, WITHOUT PREJUDICE

(ECF No. 64)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion to compel, filed June 4, 2024. (ECF No. 64). The Court deems the motion submitted because an opposition not necessary.

Here, Defendants filed an answer to the complaint on March 11, 2024. (ECF No. 44.) After Defendants opted out of the post-screening ADR settlement conference, the discovery and scheduling order was issued on April 10, 2024. (ECF Nos. 49, 51.)

In his motion to compel, Plaintiff submits that he served discovery requests on Defendants' counsel on April 2, 2024, and he has not received a response. (ECF No. 64 at 3.) Based on Plaintiff's submission, his discovery requests were served prior to the Court's issuance of the scheduling order opening discovery. As stated in the Court's first informational order issued on August 14, 2023, "[n]o discovery may be initiated until the Court issues a discovery

1 order or otherwise orders that discovery begin.” (ECF No. 2 at 4.) Accordingly, Defendants
2 were not obligated to respond to Plaintiff’s premature discovery requests, and the motion to
3 compel is denied, without prejudice.

4
5 IT IS SO ORDERED.

6 Dated: **June 5, 2024**


UNITED STATES MAGISTRATE JUDGE